

**ENTERED**

May 16, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ELMEN HOLDINGS, LLC,  
*Plaintiff,*

V.

MARTIN MARIETTA MATERIALS, INC.,  
SUCCESSOR BY MERGER TO TEXAS  
INDUSTRIES, INC.,  
*Defendant.*

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CIVIL ACTION NO. 4:19-cv-3293

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated April 28, 2022 (Dkt. 81) and the objections thereto (Dkt. 82), the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is therefore **ORDERED** that the Magistrate Judge's Memorandum and Recommendation recommending denial of Plaintiff's Rule 12(c) Motion is hereby **ADOPTED** by this court.

**SIGNED** at Houston, Texas this 16<sup>th</sup> day of May, 2022.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE